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UNCLAS SECTION 01 OF 05 KINSHASA 000148

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SUBJECT: Unofficial translation of Kivus Conference Acte d'Engagement

¶1. This message transmits, with minor corrections, an unofficial English translation provided by MONUC of the Acte d'Engagement signed at the conclusion of the Kivus Peace and Security Conference:

¶2. Begin text:

DEMOCRATIC REPUBLIC OF THE CONGO

ACTE D'ENGAGEMENT

We,
- CNDP, Politico-Military Movement,
- PARECO/FAP,
- KASINDIAN MAI-MAI,
- KIFUAFUA MAI-MAI,
- VURONDO MAI-MAI,
- MONGOL MAI-MAI,
- UJPS,
- RWENZORI MAI-MAI,
- et SIMBA,
with the solemn commitment of the Representatives of the International Community, facilitators of this present Acte d'Engagement - the United Nations, the International Conference on the Great Lakes Region, the United States of America, the African Union, the European Union, and the Government - in particular as pertains to Article 4-,

¶1. Seizing this historic opportunity;

¶2. Reiterating our commitment to the principles proclaimed and warranted by the Constitution and laws of the Democratic Republic of Congo;

¶3. Underscoring the need for a swift, lasting and definitive return of peace and security to allow for the global development of North Kivu and South Kivu;

¶4. Keen to participate in the pacification, security, and restoration of State Authority throughout the Province of North Kivu;

¶ 15. Sincerely deplored the long-standing insecurity prevailing in North Kivu that has led to massive displacement of populations and large-scale suffering of civilians as well as egregious violations of human rights;

¶ 16. Stating our commitment to adhere to the relevant Resolution of the Conference on Peace, Security and Development in the Provinces North Kivu and South Kivu, Resolution pertaining to peace and the end of warfare for the lasting development of the Province as well as all other resolutions and recommendations adopted at Goma by the afore-mentioned Conference;

¶ 17. Considering the need for urgent and priority implementation of the afore-mentioned Resolution and of the Conference;

Hereby make the following commitments:

ARTICLE I: CEASE-FIRE

¶ 11. Total and immediate cessation of:

- Hostilities throughout the province of North Kivu;
- Any act of violence;
- Any military movements and reinforcements;
- As well as any new recruitment.

Upon signature of this Acte d'Engagement, an official, written order of cessation of hostilities will be issued to our respective units, and copy sent to the United Nations, the SADC, and to the CEEAC.

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¶ 12. Refraining from acts harmful to peace and security, among others:

- Any attack, aggression, any act of provocation or sabotage;
- Any comment or declaration susceptible to leading to a resumption of hostilities;
- Any attempt at occupying new positions in the field and shifting military forces and equipment from one location to another;
- Replenishing in arms, ammunition and other military equipments;
- Any action liable to impeding the process of establishing peace and security in North Kivu.

ARTICLE II: On the disengagement of CNDP, PARECO, Kasindian Mai-Mai, Kifuafua Mai-Mai, Vurundo Mai-Mai, Mongol Mai-Mia, UJPS, Rwenzori Mai-Mai and Simba troops, on the creation of demilitarized zones for the FARDC, on brassage, on integration, and on PNDDR.

A mixed technical commission on peace and security, under the co-presidency of the Government and the international facilitation for this Acte d'Engagement, will be legally instituted by the Government to examine and finalise the below questions, in particular:

- Official order to the units to cease hostilities in all the areas of operations;
- Geographical location of the armed groups (accurate positions located on a map);
- Identification of disengagement zones and buffer zones;
- Request for deployment of MONUC observers to monitor cease-fire;
- Request strengthened MONUC presence to provide security to the civilian populations and to the redeployment of the units of the armed groups towards transit centres;

- Beginning of implementation of Joint Nairobi Communiqu plan on the disarmament and repatriation of foreign armed groups;
- Designation of the itinerary of redeployment of the armed groups to the transit centres (1st movement) and to the centres for brassage or demobilization (2nd movement) and, on a needs basis, follow-up on their training and teaching;
- Determination of brassage modalities, taking into account the presence of foreign armed groups mentioned in the Nairobi Joint Communiqu of 9 November 2007;
- MONUC deployment in all the areas occupied by the CNDP, PARECO, Kasindian Mai Mai, Kifuafua Mai Mai, Vurondo Mai Mai, Mongol Mai Mai, UJPS, Rwenzori Mai Mai and Simba;
- Re-establishment of State Authority (Police, Administration and Justice);
- Integration into the Armed Forces;
- Demobilization and reintegration;
- Participation in DDR activities leading to either brassage with a view to integrating the FARDC, or to demobilisation and reintegration with a view to a permanent return to civilian life, essential step in the pacification and effective securitisation process for the province of North Kivu;
- Participation without preconditions of the CNDP, PARECO, Kasindian Mai Mai, Kifuafua Mai Mai, Vurondo Mai Mai, Mongol Mai Mai, UJPS, Rwenzori Mai Mai and Simba, and in accordance with national legislation, in the implementation of the integration plan of the Armed Forces of the Democratic Republic of the Congo (FARDC), and of the National Programme of Disarmament, Demobilisation and Reintegration (PNDDR);
- Transmission, following signing of the present Acte and in accordance with the timetable put in place by the ad hoc Commission with the assistance of the International Community, of lists of men-in-arms and arms, as well as their locations.

For this purpose, there will be established, within this Commission, two Sub-Commissions as follows:

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a) Mixed Sub-Commission on Military Matters, charged with:

- Disengagement;
- Brassage;
- Demobilisation;
- Social reintegration.

b) Mixed Sub-Commission on Humanitarian and Social Matters, charged with:

- Issues of internally-displaced persons;
- Refugee issues.

ARTICLE III: HUMANITARIAN PRINCIPLES AND RESPECT FOR HUMAN RIGHTS

Strict compliance with international humanitarian and human rights provisions, in particular:

- Prohibition of all acts of violence and abuse, in all its guises, against the civilian population, especially women and children, the elderly and the handicapped;
- Release of all persons who are being detained or have been taken hostage on the basis of their opinions or membership in an insurrectional group;

- Return of goods to their owners, or their next of kin;
- The return of the refugees under the supervision of tripartite UNHCR - DRC Government and Government of the country of asylum (Burundi, Uganda, Rwanda and Tanzania) as per a calendar adopted by the Technical Commission on Humanitarian and Social Matters;
- The establishment of a Commission charged with supervising the return of the internally displaced persons and their re-establishment in their places of origin with the assistance of the United Nations and other humanitarian organisations;
- Provision of conditions conducive to the provision of humanitarian assistance and emergency aid to the civilian populations;
- Halting of any and all recruitment and use of child soldiers, and promotion of the rights of children in conflict (and post-conflict) zones;
- Free circulation of goods and people, as well as removal of all roadblocks.

ARTICLE IV: POLITICAL GUARANTEES AND JUDICIAL MEASURES

The Government of the DRC, as per the request of the CNDP, political-military movement, of PARECO, of the Kasindian Mai Mai, of the Kifuafua Mai Mai, the Vurondo Mai Mai, the Mongol Mai Mai, the UJPS, the Rwenzori Mai Mai Rwenzori and Simba, commits, in accordance with the relevant recommendation of the Conference on Peace, Security and Development in the Provinces of North Kivu and South Kivu:

- ¶1. to present to Parliament a draft law on amnesty for acts of war and insurrection, covering the period of June 2003 to the date of the promulgation of the law, but excluding war crimes, crimes against humanity and genocide;
- ¶2. to establish a Technical Commission by Presidential Decree in particular to finalise the disengagement plan, the question of ranks, integration and reintegration of the demobilised;
- ¶3. to decree and respect the cease-fire, as stipulated in Article 1;
- ¶4. to create a demilitarized zone to enable in particular the deployment of MONUC observers and the secure return of displaced persons;
- ¶5. to refrain from all support or all military or logistical assistance to national or foreign armed groups, or to solicit any support whatsoever from the national armed forces;
- ¶6. The signatories of the present acte d'engagement agree that the international facilitators are both observers and guarantors of its faithful implementation, in particular through the Technical

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Commission foreseen in Article 2.

Done at Goma, in as many copies as there are signatories, on

FOR

¶1. The National Congress for the Defense of the People, CNDP

Mr KAMBASU NGEVE

¶2. PARECO/FAP,

MRS SOPHIE BWIZE B.

MR MATHE SIKILI

MR SENDUGO MUSEVENI

¶3. Kasindien Mai-Mai,

Mr VITA KITAMBALA

¶4. [K]ifuafua Mai-Mai,

- Walikale Axis

Mr BIKOY MUKONGO

- Ufamandu/Masisi Axis

Mr Didier BITAKI WETESHE

¶5. Vurondo Mai-Mai,

Mr KAMBILIBAYA SINDANI

¶6. Mongol Mai-Mai,

Mr F. MIGANDA GARAGA

Mr D. HABYARA SHOBORA

¶7. UJPS,

MR TUMAINI BYANMUNGU E.

¶8. Rwenzori Mai-Mai

Mr. KASAREKA MATABISHI

¶9. Simba

Mr Hodaf MUNGO KALINDA

Mr KAKURU KIKA D.

FOR THE GOVERNMENT

Minister of State for the Interior, Decentralization and Security

H.E. Denis KALUME NUMBI

FOR THE CONFERENCE

¶11. The President of the Conference

Father Apollinaire MALUMALU

¶12. The President of the Wise Men's Committee

Honorable Vital KAMERHE

¶13. The Deputy Coordinator of the Moderators' Panel

Mr Azarias RUBERWA MANYUA

¶14. North Kivu Delegation

The Governor

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Mr. Julien PALUKU KAHONGYA

The Vice-President of the Provincial Assembly

Honorable MUKINTI BAUMBILIA

¶15. South Kivu Delegation

The Governor a.i.

Mr. WATUNAKANZA B. Bernard

The President of the Provincial Assembly

Honorable BALEKE KADUDU Emile

THE INTERNATIONAL FACILITATORS

- For the UNITED NATIONS: Mr ALAN DOSS
- For the EUROPEAN UNION: Mr Roeland van de GEER
- For the UNITED STATES OF AMERICA: Mr TIM SHORTLEY
- For the AFRICAN UNION: Mr Pierre YERE
- For the INTERNATIONAL CONFERENCE
ON THE GREAT LAKES REGION: Mrs Liberata MULAMULA

NATIONAL OBSERVERS

FOR THE TRADITIONAL CHIEFS

- SOUTH KIVU: MWAMI KABARA RUGEMANINZI II NABUSHI
- NORTH KIVU: MWAMA ALEXANDRE MUHINDO MUKASASENGE

FOR CIVIL SOCIETY

- NATIONAL DELEGATION: MR KIBISWA KWABENE NAUPESS
- SOUTH KIVU: MR BIRHINGINGWA MUGABO CYPRIEN
- NORTH KIVU: MR JASON JUNENO MAENE

FOR THE PRIVATE SECTOR

- FEC SOUTH KIVU: MR MUDEKEREZA NAMEGABE
- FEC NORTH KIVU: MR DESIRE SEGAHUNGU

FOR THE RELIGIOUS GROUPS

CATHOLIC CHURCH: + THEOPHILE KABOY

CHURCH OF CHRIST IN THE CONGO: BISHOP SONGOU NATHALIS

ORTHODOX CHURCH: PROF. FUMUNZANZA GIMUANGA

KIMBANGIST CHURCH: REV. SALUAMESO RAPHAEL

CHURCH OF THE AWAKENING: BISHOP NTAMBWE MUMPEMPE

ISLAMIC COMMUNITY: IMAN RACHIDI MOUSSA

INDEPENDENT CHURCH OF THE CONGO: H.E. SIMON NZINGA M.

SALVATION ARMY: MAJOR GRACIA MATONDO

End text.

GARVELINK